

EXHIBIT A

RUSH LAW GROUP, LLC

By: William Rush, Esquire

38 N. 6th Street, P.O. Box 758

Reading, PA 19603-0758

Ph. (610) 413-5337 Fax 610-927-6219

Attorney for Plaintiff

ERICA HAMILTON,	:	IN THE BERKS COUNTY COURT OF
Plaintiff	:	COMMON PLEAS
v.	:	CIVIL ACTION – LAW:
	:	
	:	NO. 22-15287
ALBRIGHT COLLEGE,	:	
Defendant	:	JURY TRIAL DEMANDED

NOTICE TO DEFEND

YOU HAVE BEEN SUED in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty days (20) after this Complaint is served, by entering a written appearance personally or by an attorney and filing in writing with the court your defenses and objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the complaint or for any other claims or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

Berks County Lawyer Referral Services
544 Court Street
Reading, PA 19601
Telephone: 610-375-4591

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AVISO

¡Has sido demandados en los tribunales. Si desea defenderse de las reivindicaciones expuestas en las siguientes páginas , usted debe tomar medidas dentro de los veinte (20) días después de esta demanda modificada y aviso está servido , mediante la introducción de una apariencia escrito personalmente o mediante abogado y presentar por escrito ante la Corte sus defensas u objeciones a las reivindicaciones expuestas en su contra. Se le advierte que si no lo hace el caso puede proceder sin ti y se podrá entablar juicio en su contra por la Corte sin previo aviso por cualquier dinero reclamado en la demanda o por cualquier otro reclamo o compensación solicitada por la demandante . Es posible que pierda dinero o bienes o importación de otros derechos en su caso.

Debe tomar este papel a su abogado a la vez. Si usted no tiene un abogado o no puede pagar uno , dirigirse o llamar a la oficina se establece a continuación para averiguar dónde puede obtener ayuda legal.

Lawyer's Referral Service of the

Berks County Bar Association

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Plaintiff	:	COMMON PLEAS
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COMPLAINT

Plaintiff, Erica Hamilton, by and through her counsel, Rush Law Group, LLC, respectfully avers as follows:

1. The amount in controversy in this case is above the mandatory arbitration limits of \$50,000.00 for this jurisdiction pursuant to the Berks County and Pennsylvania Rules of Civil Procedure.

2. Plaintiff is Erica Hamilton, an adult individual with an address of 815 Franklin Street, Apt. 1210, Reading, Berks County, Pennsylvania 19602.

3. Defendant is Albright College, a college university with an address of 1621 N. 13th Street, Reading, Berks County, Pennsylvania 19604.

4. Plaintiff is a Polish American, who emigrated to the United States several years ago.

5. In 2021, Plaintiff was enrolled in Albright College, majoring in History and Religious Studies.

6. In 2021, Plaintiff took a class called “Religion and Movies”. In this particular class, the professor, and then associate dean, Rob Seesengood, had shown a video to the class depicting a rape. Plaintiff reported the professor to the school for showing the video to the class.

7. In 2022, Plaintiff was enrolled in Religious Responses to the Holocaust and a Senior Study class. Both were taught by the same professor, Jennifer Koosed.

8. Professor Seesengood and Professor Koosed are husband and wife.

9. An assigned reading for Religious Responses to the Holocaust was a book titled 'A Convenient Hatred: The History of Anti-Semitism.

10. An assigned reading for Religious Responses to the Holocaust was a Book titled 'Maus: A Survivor's Tale'. This book details the author's father's experience during the Holocaust.

11. An assigned reading for Religious Responses to the Holocaust was a book titled 'Fear: Anti-Semitism in Poland. The book is a detailed depiction of Poland's contribution on World War II, as well as a description of the treatment of the Jewish survivors in Poland after the end of the war.

12. On or about March 27, 2022, Professor Koosed played a film of the ritual shaming of Bronia and Gerhard, which depicted the public humiliation tactics used by the Nazi's during World War II.

13. The assigned readings called Polish people "dirty Polish pigs" for their contribution to the mass murdering of the Jewish people during the Holocaust. Professor Koosed then expressed in person, to Plaintiff, that "Polish pigs" were responsible for the Holocaust.

14. On or about February 22, 2022 there was an exam scheduled in Religious Responses to the Holocaust.

15. Plaintiff was approved by the University and Professor for "accommodated test administration" to allow Plaintiff to take her exams with more time, in a private place and via computer. These accommodations, despite being approved, were ignored. (Approved Accommodated Test Administration Form attached hereto as "Exhibit A").

16. Plaintiff was denied the right to take her exam by Professor Koosed. Plaintiff was given a zero percent.

17. On or about March 28, 2022, Plaintiff emailed her academic advisor expressing that she planned to withdraw from both her senior study and Religious Responses to the Holocaust (a copy of the email is attached hereto as "Exhibit B").

18. Plaintiff then emailed the Senior Vice President of Academic Affairs and the Dean of the Faculty, Karen Campbell, and explaining that she was withdrawing from her Senior Study and Religious Responses to the Holocaust because of racial slurs made by Professor Koosed against Polish People. In this email chain Plaintiff also stated that she believed that her grades were low due in part to retaliation for Plaintiff reporting Professor Koosed's husband during a previous semester. (a copy of the email is attached hereto as "Exhibit C")

19. Plaintiff completed her withdraw requests for both classes on March 28, 2022 due to her continued mental abuse regarding being Polish. (Withdraw Requests attached hereto as "Exhibit D")

20. Plaintiff contacted her advisor and explained that she was offended by the class, the treatment of the professor, the professor's comments, and reading and video material.

21. On or about April 1, 2022, Plaintiff contacted her academic advisor regarding her grades in her senior study and Religious Responses to the Holocaust. Her grades were much lower than they should have been on her midterm report. Her advisor explained to her that her grade in Religious Responses to the Holocaust was actually a C-. (the email chain is attached hereto as "Exhibit E" and Plaintiff's midterm grades are attached hereto as "Exhibit F").

22. On her about April 12, 2022, Plaintiff submitted her withdraw paperwork to withdraw from Senior Study and Religious Responses to the Holocaust.

23. On her about June 23, 2022, Plaintiff was informed that she would be on academic probation for the fall semester due to her low grades she received in Senior Study and Religious Responses to the Holocaust. (Notice is attached hereto as "Exhibit G").

24. Requiring Senior Study to graduate, Plaintiff reenrolled in this class for the fall 2022 semester. Plaintiff received an email at the end of the semester that she had passed the class with a C-. (Email attached hereto as "Exhibit H").

25. Plaintiff graduated in December of 2022, and as of the date of this filing has not received her diploma from Defendant.

WHEREFORE, Plaintiff, Erica Hamilton demands judgment in her favor and against Defendant in an amount not greater than \$50,000.00, together with interest, fees and costs that this Honorable Court may find reasonable.

COUNT I - Breach of Contract

26. Plaintiff hereby incorporates by reference Paragraphs 1-25 of this pleading.

27. Under the laws of the Commonwealth of Pennsylvania, Albright College had contractual obligations to the Plaintiff, including under The University's policies, to fairly grade Plaintiff on the merits of her classwork and award her a degree upon successful completion thereof..

28. Albright created express and implied contracts when Plaintiff accepted an offer of admission to Albright, paid the tuition and fees for her time as a student, moved to Reading during the duration of her enrollment, and started attending classes.

29. Albright promised to allow its community members, including Plaintiff, to live in a discrimination-free and defamation-free environment.

30. Albright committed numerous investigative and procedural missteps, failed to engage in impartial fact finding, failed to fairly weigh evidence and concerns presented by Plaintiff, and harbored an overall institutional bias against Plaintiff in retaliation for her complaints, and failed to award her a degree.

31. Albright's discrimination of Plaintiff on the basis of her gender, race, ethnicity and ancestry (demonstrated by its accusations of racism leveled against him and their stirring of such feelings of resentment in that regard) breached its own policies, the guarantees of due process and fundamental fairness, and the implied covenant of good faith and fair dealing.

32. Albright's failure to properly investigate claims made by Plaintiff breached its own policies, the guarantees of due process and fundamental fairness, and the implied covenant of good faith and fair dealing.

33. Albright has deprived Plaintiff of her contractual rights to due process and equal protection through the improper administration of the student conduct hearing process, retaliating against Plaintiff for valid complaints raises, and failed to award her the degree she earned, all in violation of Albright's guidelines and regulations and in violation of Pennsylvania laws.

34. Albright failed to protect Plaintiff by standards of justice and fairness during the investigation of the charges she raised and in how it conducted investigations brought as a result.

35. Albright's incomplete and arbitrary actions breached the Fifth and Fourteenth Amendment protections due to Plaintiff, violated the guarantees of due process and fundamental fairness, and the implied covenant of good faith and fair dealing.

36. Plaintiff is entitled to recover damages for Albright's breach of the express and/or implied contractual obligations described above.

37. As a result of the foregoing, Plaintiff is entitled to damages in an amount to be

determined at trial, plus prejudgment interest, attorneys' fees, expenses, costs and disbursements.

WHEREFORE, Plaintiff, Erica Hamilton demands judgment in her favor and against Defendant in an amount not greater than \$50,000.00, together with interest, fees and costs that this Honorable Court may find reasonable.

COUNT II - Breach of Covenant of Good Faith and Fair Dealing

38. Plaintiff hereby incorporates by reference Paragraphs 1-37 of this pleading.

39. Based on the aforementioned facts and circumstances, Albright breached and violated its covenant of good faith and fair dealing implied in the agreement(s) with Plaintiff by failing to investigate serious claims brought by Plaintiff, notwithstanding the lack of evidence she presented, and by failing to respect her Fourteenth Amendment rights.

40. As a direct and foreseeable consequence of these breaches, Plaintiff sustained tremendous damages, including, without limitation, emotional distress, economic injuries, and other direct and consequential damages.

41. Plaintiff is entitled to recover damages for Albright's breach of the express and/or implied contractual obligations described above.

42. As a result of the foregoing, Plaintiff is entitled to damages in an amount to be determined at trial, plus prejudgment interest, attorneys' fees, expenses, costs and disbursements.

WHEREFORE, Plaintiff, Erica Hamilton demands judgment in her favor and against Defendant in an amount not greater than \$50,000.00, together with interest, fees and costs that this Honorable Court may find reasonable.

COUNT III - Injunctive Relief

43. Plaintiff hereby incorporates by reference Paragraphs 1-42 of this pleading.

44. By virtue of Albright's violation of Plaintiff's contractual, due process, and equal

protection rights, including under FERPA and the Fifth and Fourteenth Amendments, Plaintiff has suffered irreparable harm for which money damages are an inadequate remedy.

45. To address that harm, Plaintiff is entitled to injunctive relief from this Honorable Court ordering Albright to (i) award Plaintiff the degree she earned and (ii) properly investigate her claims of discrimination, which she suffered as a member of a protected class.

WHEREFORE, Plaintiff, Erica Hamilton demands judgment in her favor and against Defendant in an amount not greater than \$50,000.00, together with interest, fees and costs that this Honorable Court may find reasonable.

COUNT IV - 20 U.S.C. § 1681 (Title IX)

46. Plaintiff hereby incorporates by reference Paragraphs 1-45 of this pleading.

47. Pursuant to Title IX of the Education Amendments of 1972, Plaintiff has a right not to be subjected to university discrimination where sex is a motivating factor in the decision to enforce the Honor Code and to impose sanctions.

48. Title IX requires that federally funded colleges, like Albright, adopt and follow grievance procedures that provide for "prompt and equitable" resolution of Title IX complaints. See 34 CFR §106.8(b).

49. The U.S. Department of Education advised Albright and other educational institutions in at least April 2011 that their "prompt and equitable" procedures must provide, at a minimum, certain protections, including "[a]dequate, reliable, and impartial investigation of complaints, including the opportunity for both parties to present witnesses and other evidence." The Department also advised that throughout an investigation, including at the hearing, "the parties must have an equal opportunity to present relevant witnesses and other evidence."

50. As described above, Albright violated Plaintiff's rights when it failed to apply "equitable" procedures to the Plaintiff and ignored her claims of discrimination based on ethnicity and gender made by Plaintiff, in violation of the requirements of Title IX, in spite of evidence that the allegations against she brought were credible and, in fact, in spite of the evidence that the professor in question had a direct motivation and expressed anger toward Plaintiff for her husband's prior discipline.

51. Even after the Plaintiff presented such evidence, Albright refused to conduct a proper investigation or do anything further. Albright merely withheld the awarding of Plaintiff's earned degree.

52. Albright has failed to remediate its discriminatory actions against the Plaintiff.

53. As a result of Albright's actions and omissions, Plaintiff has suffered multiple forms of damage, as set forth above.

WHEREFORE, Plaintiff, Erica Hamilton demands judgment in her favor and against Defendant in an amount not greater than \$50,000.00, together with interest, fees and costs that this Honorable Court may find reasonable.

Respectfully Submitted,
RUSH LAW GROUP, LLC

By: /s/ William Rush
William R. A. Rush, Esquire
Attorney I.D. 209596
38 N. 6th Street, P.O. Box 0758
Reading, PA 19603-0758
(610) 413-5337
Attorney for Plaintiff

Date: February 8, 2023

VERIFICATION

I, WILLIAM R.A. RUSH, ESQUIRE, am the attorney for the Plaintiff in the within instrument. I hereby verify that the facts set forth therein are true and correct to the best of my knowledge, information and belief and that this verification is made subject to the penalties of 18 Pa.C.S.A. Section 4904 relating to unsworn falsification to authorities.

/s/ William Rush
William R.A. Rush

Date: February 8, 2023

RUSH LAW GROUP, LLC

By: William Rush, Esquire

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v.	:	CIVIL ACTION – LAW:
	:	
	:	NO. 22-15287
ALBRIGHT COLLEGE,	:	
Defendant	:	JURY TRIAL DEMANDED

CERTIFICATE OF ADDRESSES

Attorney for Plaintiff

Rush Law Group, LLC

38 N. 6th Street

Reading, PA 19601

Attorney for Defendant

Sharon M. O'Donnell, Esquire

100 Corporate Center Dr., Ste 201

Camp Hill, PA 17011

RUSH LAW GROUP, LLC

By: /s/ William Rush

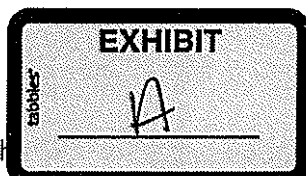
William R. A. Rush, Esquire

Attorney I.D. 209596

38 N. 6th Street, P.O. Box 0758

Reading, PA 19603-0758

Date: February 8, 2023



(Rev. 8.24.20)

TO BE COMPLETED BY STUDENT

STUDENT NAME: <u>ERICA HAMILTON</u>	EXAM DATE: <u>2/22/2022</u>
COURSE (e.g., ANT 310): <u>375 REL</u>	EXAM TIME: <u>9:30 am</u>

EXAM ACCOMMODATIONS REQUESTED: (Approved by SAAO and on accommodation letters)

☐ 50% extra time
 ☐ Distraction reduced environment
 ☐ Computer use for exam
☒ Exam read by computer or in audio format
 Other: 100%

Academic Honesty Agreement:

The testing center environment recognizes the same high standards of academic honesty that are expected and enforced in the classroom. As part of taking an exam in the testing center, I agree to maintain academic integrity, as outlined by Albright College's Academic Integrity Policy. I further understand that cheating will not be tolerated, and all instances of suspected academic dishonesty will be referred to the instructor by testing center staff.

STUDENT SIGNATURE: E. Hamilton

TO BE COMPLETED BY INSTRUCTOR

Generally, the testing center cannot administer oral exams. Oral exams should be coordinated between the professor and student. If there are extenuating circumstances, please contact the SAAO at 610-921-7503.

INSTRUCTOR NAME: JENNIFER KOOSER PHONE # 610-921-7760

TIME ALLOWED for the test/quiz for the general class: 80 min
 (If no time is indicated, the testing center will assume the full class period.)

☒ I approve the day and the time for the exam as indicated by the student above.
☐ I would like the student to take the exam on ___/___/___ and at ___:___ am/pm

MATERIALS PERMITTED FOR TEST OR QUIZ:

Please provide scantron forms or blue books if necessary. The testing center does not have access to these materials.

☐ Non-graphing Calculator
 ☐ Graphing Calculator
 ☐ Formula Sheets
 ☐ Open Book
☐ Open Notes
 Other: _____

Initial: X Accommodations requested above match the student's accommodation letter for my class

Are you available to answer questions during the exam? Yes, phone #: 484-651-0122 or email or No (please circle one)

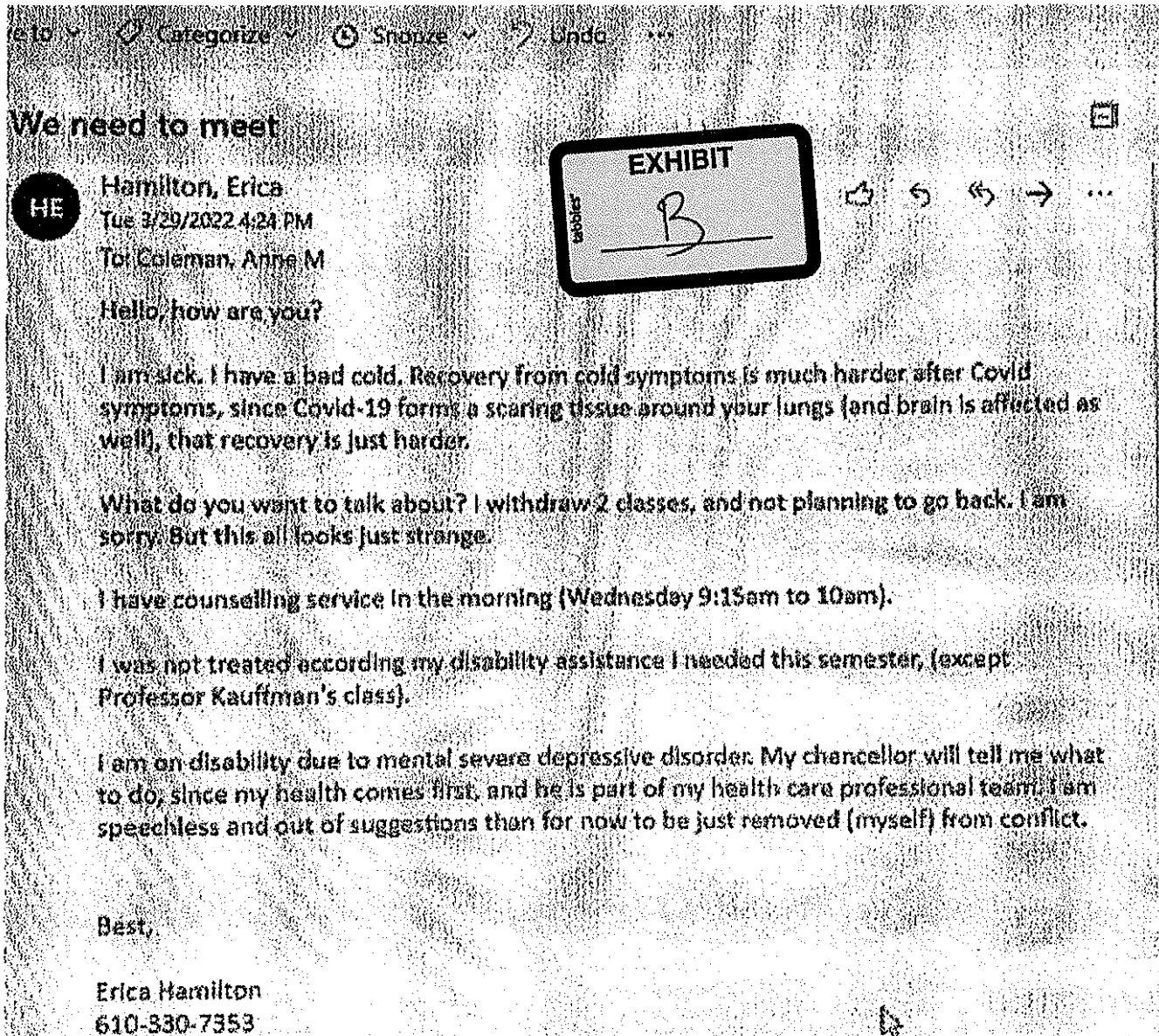
EXAM DELIVERY: (at least 24 hours in advance preferred)

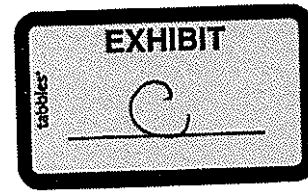
☐ Email to testing@albright.edu (Only test coordination staff have access to this email)
☒ Hand delivered to testing center (Teel 301, 8:30 AM and 4:30 PM- a locked drop box is provided)
☐ Hand delivered by student (Exam must be in a signed, tape-sealed envelope)

EXAM RETURNED VIA:

☐ Instructor or designee will pick up at Teel 301 the same day of the test between 8:30am-4:30pm.
☒ Hand Deliver to building name, Chapel, and office number, Baseman, within 48 business hours.

To maximize exam safety, the testing center prefers to physically deliver exams to the building secretary or instructor. Should this not be possible at time of drop-off, the exam will be held at Teel 301 until arrangements are made to pick it up. The test center will email the instructor to confirm exam delivery to a secretary or if the exam has to be held in the testing center.





To: Campbell, Karen A. <kcampbe@albright.edu>

Subject: Re: Cancelling our meeting this afternoon

I am withdrawing from classes Rel 375, and Rel 491 due to racial slurs the teacher (Dr. Knosoff) used on several occasions in class - against native Polish people. I am Polish and I am proud of who I am.

Because of this event, I did not go to class for a week and rest my exam application due to being very disturbed by her teachings. The whole world is helping Ukraine and is proud of the Polish effort they are performing towards humanitarian efforts, but I am learning in this class that "we are PIGS, and who killed Jews." This is just an unacceptable approach and very unprofessional.

Another issue: There is that clear history with Dr. Knosoff's husband "Seyenwood," (where he was showing us in his class a "HAPPY" movie and I reported him) my grades are purposely low.

I am not accepting this. After 4 years of study, having the lowest grade "C" and now I HAVE Fs and Ds!

I will withdraw from a conflict based on racial/ethnic discrimination, that Polish people caused a program in Poland killing Jews (especially after Holocaust event) and therefore they are "Polish Pigs," like Dr. Knosoff mentioned it PROUDLY on several occasions including adding to her study hateful images and hateful slurs speech where Poles being Pigs - I cannot tolerate that kind of behavior. So now I am that "Polish Pig who (rat out) Seyenwood, and I am part of my ethnic Polish "PIGS" who set up killing centers outside Polish villages to exterminate Jewish people - so, now "I have to pay my price," by having purposely low grades, and therefore I will not graduate. Thank you for your excellence and non-discriminating environment you so much talk about in your "Albright advertisement."

In the video film "Boeing and Gerhart" that we watch in class I will send a separate link email was a Polish couple having sex with a German person, therefore they were "Polish Pigs," sent to a concentration camp/ and front-line war to fight Russians. The next thing Dr. Knosoff showed was the racial book written by: Art Spiegelman "Maus" where he clearly demonstrates that Polish people are PIGS, it seems this is not neutralist class but "an ATTACK on Polish nation, ethnicity, culture and beyond! this class demonstrates full of hate and picking apart groups of people blaming them for horrific events that should never happen.

Best, Erica Hamilton

EXHIBIT
tabbies
D

ALBRIGHT COLLEGE

SCHEDULE CHANGE

DATE OF REQUEST 3.28.22Student Name ERICA HAMILTONArea of Concentration History/Religious Studies.

Class Year _____

Check one

Drop Add

Department

Course
NumberSection
Letter

Time-Days (Ex.: 8 MWF)

Approval Initials

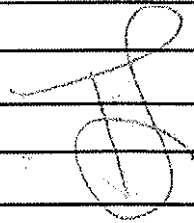
Advisor

Instructor

✓

REL 491

PAT

 3/28/22

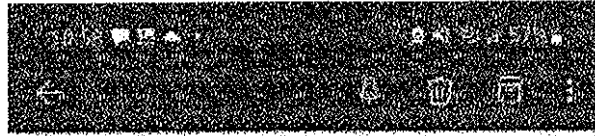
Withdrawing from a course may affect the following:

- Your eligibility for Financial Aid
- Your eligibility to participate in athletics and student activities
- Your ability to graduate on schedule

Student Signature

E. Hamilton

Received County of Berks e-Registry Office on 02/28/2023



Re: My grades are not adjusted



Hamilton, Erica
Coleman, Anne M

Apr 1
:

Hello,

How are you?

I still have 'F' in Rel 375 and '0' in Rel 491 on my
midterm report.

I do not see "C" on Rel 375, and I do not see
grade on my Rel 491

Thank you for your time.

Best,

Erica Hamilton
610-330-7353



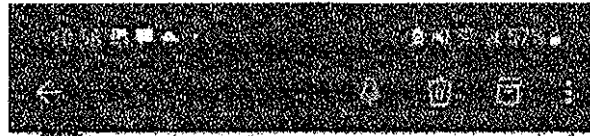
Hamilton, Erica
Fonte, Angela M., Campbell, Karen A

Apr 1
:

If you have time, can you look into this, please?

📧 ∨ Reply to all





Hamilton, Erica
Fonte, Angela M., Carrigbell, Karen A

Apr 1

If you have time, can you look into this, please?

Thank you,

Erica Hamilton
610-330-7353

...



Coleman, Anne M
Hamilton, Erica

Apr 1

Hi Erica,

We just talked about your grades. Dr. Koosed keeps her own grade book. You currently have a C- in REL 375. The midterm grade of F is not going to change. That is a static grade submitted through a different system. I understand it is frustrating but professors do not need to post their grades in Canvas so there is not going to be a grade in the system. Dr. Koosed has assured me that you are not failing either class.

Anne

↓ GO TO THE LATEST

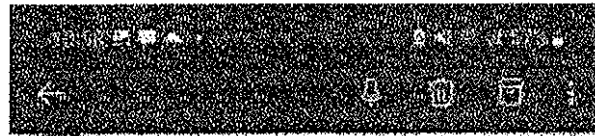
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✉ ✓ Reply to all

III

O

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Hamilton, Erica
Coleman, Anne M.

Ok great 🙌🙌

Get [Outlook for Android](#)

...

Hamilton, Erica
Coleman, Anne M., Kaufman, Shelley, + 5
Apr 12

Hello, how are you?

I am very skeptical about my grade, and I cannot handle this MENTAL abuse. I never in 4 years had grades F and Ds. I do not trust dr. Choose to have a C- since all my papers are STILL Ds and because I did not do an exam - it's 10% from the grade, so that means I have an F. I cannot sleep or concentrate anymore.

I really do not want to be on this kind of roller-coaster in an abusive environment where everything is IFFY...


I will drop my REL classes 375, and 491. I had other great professors in the past in Religion studies. I am going to the financial office

⏮️ ∨ Reply to all

III

○

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 <https://selfservice.albright.edu/SELFSESV/Grades/GradeReport>

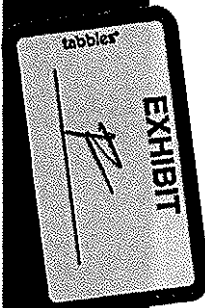
   

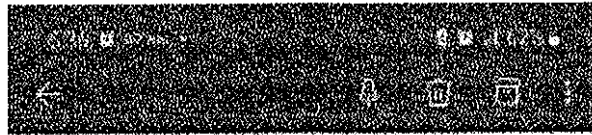
REGISTRATION GRADES FINANCES SEARCH ALBRIGHT LINKS FORGOT PASSWORD

0.00	0.00	0.000	0.000
Attempted	Failed	Term	Overall

01 Session

Course	Units	Quality Points	Midterm Grade	Final Grade
ESS205: Physical Geology/Lab				
Subtype: Lecture Section: A				
Type: Course Credit type: Credit	1.00	0.00	B-	
REL375: Religious Responses to the Holocaust				
Subtype: Lecture Section: A				
Type: Course Credit type: Credit	1.00	0.00	F	
REL491: Senior Seminar				
Subtype: Independent Study Section: D				
Type: Course Credit type: Credit	1.00	0.00		





Dear Erica

I hope your summer is off to a positive start.

It appears from your spring grades that your semester did not go as planned. Your semester GPA was below the 2.0 minimum for good academic standing. However, your cumulative GPA is still above that required for your class level. Because of this you have been placed on **Academic Warning for Fall 2022**. We know this semester is not representative of you as a student. Sometimes life circumstances impact us in ways we were not prepared for. We want to make sure you get back on track and avoid being placed on Academic Probation which has larger implications.

Being placed on Academic Warning is an opportunity to receive additional support while you evaluate your goals, identify your challenges, and focus your energy on resetting and making academic progress. Albright believes in your abilities and is committed to providing you with the support you need to be

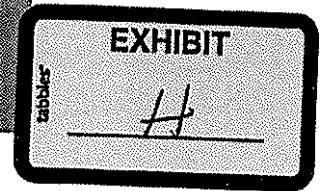
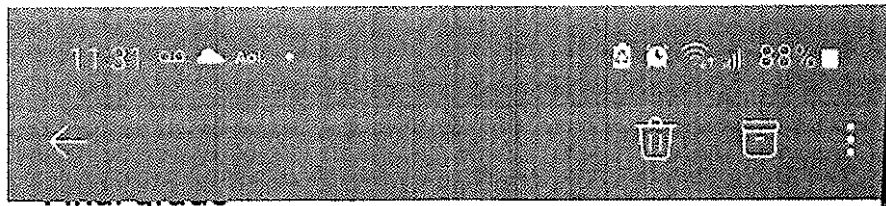
✉️ Reply

No internet connection

III

O

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Koosed, Jennifer L.
Hamilton, Erica

8:24 PM



Hello Erica,

I have graded your final paper, and submitted your grade for REL 491 to the registrar.

I could tell you worked hard on your final paper. However, it suffered from not having a clear thesis and being very disorganized. Even chronologically, it jumped around throughout. Your prose was also difficult to read. I scored your paper a 66%.

Your grade is REL 491 is a C-.

Thank you for all of your work and attention. You are now officially graduated! Best of luck in your next stage of life.

Jennifer Koosed

Sent from my iPhone

↩️ ✓ Reply

